

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: BOSTON SCIENTIFIC CORP.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL 2326

WILLIE BRITT and
HAROLD BRITT,

Plaintiffs,

v.

CIVIL ACTION NO. 2:16-cv-07806

BOSTON SCIENTIFIC CORPORATION,

Defendant.

MEMORANDUM OPINION AND ORDER

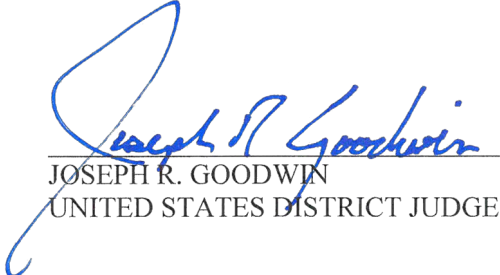
On November 6, 2018, plaintiffs' counsel filed a Suggestion of Death noting the death of plaintiff Harold Britt during the pendency of this action [ECF No. 27]. Plaintiffs' counsel has filed two Notices of Service indicating service of the Suggestion of Death upon the proper parties [ECF Nos. 28 and 29]. There has been no motion to substitute a party for the deceased plaintiff Harold Britt.

Pretrial Order ("PTO") # 191 filed in *In re: Boston Scientific Corporation, Pelvic Repair Sys. Prods. Liab. Litig.*, 2:12-md-2326 ("Boston MDL 2326") [ECF No. 6406] outlines the procedures the court requires to either substitute a deceased party pursuant to Federal Rule of Civil Procedure 25(a), or to dismiss the deceased party from the civil action because of a failure to properly serve and substitute the deceased party.

The court **FINDS** that the Suggestion of Death with the subsequent Notice of Proof of Service filed in this civil action complies with Rule 25(a). The 90-day time period as set forth in Rule 25(a) to substitute a party has passed and the deceased plaintiff has not been substituted. Therefore, the court **ORDERS** that Harold Britt is **DISMISSED** without prejudice and terminated from this civil action.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 15, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE